

**ORDINANCE NO. 2597**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, ARTICLE 2.9 USE REGULATIONS, BY AMENDING TABLE 2.902 USE REGULATIONS RELATED TO THE DELETION OF BED AND BREAKFAST HOMES AND THE ADDITION OF VACATION OR SHORT-TERM RENTALS; DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, AMENDING SECTION 4.506 RESERVED TO CREATE VACATION OR SHORT-TERM RENTALS REGISTRATION REQUIREMENTS, DIVISION 6: USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS AND GLOSSARY OF GENERAL TERMS RELATED TO THE CREATION OF A USE DEFINITION FOR VACATION OR SHORT-TERM RENTALS AND REVISIONS TO THE USE DEFINITION RELATED TO HOTELS AND COMMERCIAL LODGING AND BED AND BREAKFAST HOMES RELATED TO ADDITIONS, DELETIONS, AND UPDATES TO EXISTING USE DEFINITIONS AND GLOSSARY TERMS. PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.9 Use Regulations is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Use Category	Residential												Mixed Use And Non-Residential												Additional Standards		
Subcategory	SF-43	SF-35	SF-35	SF-15	SF-10	SF-8	SF-7	SF-6	SF-D	SF-A	MF-	MF-	NC	CC	SC	GC	RC	HVC	NO	GO	BP	LI	GI	PF/I	GVC	GBC	
Specific Use Type																											
Visitor Accommodation																											
Bed-And Breakfast Homes	U	U																U									
Convention Center															U	U	U							U			
Hotels And Commercial Lodging																P	P	U			P				P	P	
Recreational Vehicle Park																P	P										
VACATION HOMES																											
SHORT-TERM RENTALS	P	P	P	P	P	P	P	P	P	P	P	P	L31	L31	L31	L31	L31	L31		L31	L31				L31	L31	SEE SECTION 4.506

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L30 Peacock not permitted in this zoning district.

L31 MUST MEET ALL REQUIRED LIMITATIONS OF THE ZONING DISTRICT UNDER THE "RESIDENTIAL, PERMANENT" USE CATEGORY.

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The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.506 Reserved, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**4.506 ~~Reserved~~ VACATON OR SHORT-TERM RENTALS**

- A. **PURPOSE.** THE PURPOSE OF THESE REGULATIONS IS TO PERMIT VACATION OR SHORT-TERM RENTALS AND TO PROVIDE REASONABLE REGULATIONS TO MAINTAIN THE RESIDENTIAL CHARACTER OF NEIGHBORHOODS.
- B. **REGISTRATION REQUIRED.** PRIOR TO BEGINNING OPERATIONS, THE OWNER OR OPERATOR OF A VACATION OR SHORT-TERM RENTAL SHALL SUBMIT A COMPLETED REGISTRATION FORM TO THE DEVELOPMENT SERVICES DEPARTMENT ON A FORM ESTABLISHED BY THE PLANNING AND DEVELOPMENT SERVICES MANAGER. THE REGRISTRATION FORM SHALL INCLUDE:
1. NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROPERTY OWNER AND PERSON IN CONTROL OF THE PROPERTY;
  2. EMERGENCY POINT OF CONTACT/ RESPONSIBLE PARTY INFORMATION SHALL INCLUDE NAME, ADDRESS, EMAIL ADDRESS, SIGNATURE AND TELEPHONE NUMBER;
  3. IF THE PROPERTY OWNER AND EMERGENCY POINT OF CONTACT ARE NOT THE SAME PERSON OR ENTITY, APPLICANT SHALL PROVIDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER;

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 6 Use Definitions, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

~~**Bed and Breakfast Homes.** Owner-occupied dwellings licensed to provide lodging and breakfast accommodations to paying guests for a limited duration. Kitchen facilities are not provided for use by guests.~~

**Hotels and Commercial Lodging.** Establishments offering transient lodging including motor lodges, motels, hostels, extended stay hotels, timeshare facilities and tourist courts. This classification excludes Group Homes for the Handicapped, apartments and other facilities intended for long-term occupancy. These uses may provide accessory services,

such as conference and meeting rooms, restaurants, bars, and recreation facilities available to guests or to the general public. ~~Short term rental/leasing of Single Family residential, Loft Units, and Secondary Dwelling Units for less than 30 days is considered a Hotels and Commercial Lodging use.~~

**VACATION OR SHORT-TERM RENTALS.** A RESIDENTIAL DWELLING UNIT OFFERING TRANSIENT LODGING AS DEFINED IN A.R.S. SECTION 9-500.38, IF THE ACCOMMODATIONS ARE NOT CLASSIFIED FOR PROPERTY TAXATION UNDER A.R.S. SECTION 42-12001. VACATION OR SHORT-TERM RENTALS DO NOT INCLUDE A UNIT THAT IS USED FOR ANY NON-RESIDENTIAL USES, INCLUDING RETAIL SALES, RESTAURANT, BANQUET FACILITY, CONVENTION CENTER OR ANOTHER SIMILAR USE. THIS CLASSIFICATION EXCLUDES GROUP HOMES FOR THE HANDICAPPED AND RECOVERY RESIDENCES.

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The Land Development Code of Gilbert, Arizona, Glossary of General Terms, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**BED AND BREAKFAST HOME.** (SEE USE, VACATION OR SHORT-TERM RENTALS).

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

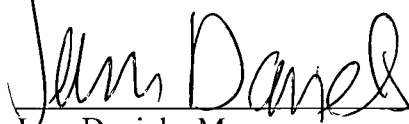
PASSED AND ADOPTED by the Common Council of the Town of  
Gilbert, Arizona, this 10<sup>th</sup> day of November, 2016, by the following vote:

AYES: j CANDLAND, E COOK, J DANIELS, V PETERSEN, B PETERSON, J TAYLOR

NAYES: NONE ABSENT: J. RAY

EXCUSED: NONE ABSTAINED: NONE

APPROVED this 10<sup>TH</sup> day of NOVEMBER, 2016.

  
Jenn Daniels, Mayor

ATTEST:

  
Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
L. Michael Hamblin, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT  
COPY OF THE ORDINANCE NO. 2597 ADOPTED BY THE COMMON COUNCIL OF THE  
TOWN OF GILBERT ON THE 10<sup>TH</sup> DAY OF NOVEMBER, 2016, WAS POSTED IN FOUR  
PLACES ON THE 17 DAY OF NOVEMBER, 2016.

  
Lisa Maxwell, Town Clerk